REMARKS

This Application has been carefully reviewed in light of the Official Action dated April 20, 2007. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 1-18 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not described in the specification. The Examiner indicates that there is no support in the specification for the feature of generating data packets in a particular packet flow. Support for this feature can be found at page at page 6, line 32, to page 7, line 2, of Applicant's specification. Specifically, Applicant's specification discloses that data received from a data source is placed into packets and each packet is given a sequence number. (See page 6, lines 13-24, of Applicant's specification). Thus, a flow of packets can re-ordered at a destination using the sequence numbers. For each block of data to be transferred from the data source, the sequence numbers can be reset. For a new block of data, packets are generated with the reset sequence numbers. Thus, this different flow of packets can be re-ordered at the destination using the reset sequence numbers. Accordingly, there is ample support in Applicant's specification for the limitation 'data packets in a particular packet flow' as provided in the claimed invention. Therefore, Applicant respectfully submits that Claims 1-18 are in accordance with 35 U.S.C. §112, first paragraph.

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi, et al. in view of Forin and further in view of Larsen, et al. Applicant respectfully traverses this rejection.

With respect to Independent Claims 1 and 6, there is recited in general an ability to send a first data packet of a particular packet flow over a first one of a plurality of channels selected according to the channel capacities of the plurality of channels and send a second data packet in the particular packet flow over a second one of the plurality of channels, different from the first one of the plurality of channels, as a result of the varying capacities of the plurality of channels. By contrast, the Doshi, et al. patent discloses only a single communication path 121 for transmission of packets. The Doshi, et al. patent merely discloses that the single communication path 121 may be a tandem transmit path 121 and receive path 122. Accordingly, the Doshi, et al. patent only supports the capability of having intermediate packet switches interconnected by data links along communication path 121 and in tandem along communication path 122. Thus, there is no disclosure in the Doshi, et al. patent that supports a capability to send a data packet over a selected one of a plurality of channels and send a subsequent data packet over a different one of the plurality of channels as required in the claimed invention.

The Examiner readily admits that the Doshi, et al. patent fails to disclose an ability to generate data packets in packet flows in response to flow control credits. To offset the deficiencies of the Doshi, et al. patent, the Examiner cites the Forin patent. However, the Forin patent discloses constructing packets having sizes based on credits but does not include any additional material related to selecting from a plurality of channels for packet transport found lacking in the Doshi, et al. patent.

The Examiner readily admits that the proposed Doshi, et al. - Forin combination fails to disclose an ability to select

a first one of a plurality of channels to transfer the first data packet according to channel capacities of the plurality of channels, transfer the first data packet over the selected first one of the plurality of channels, select a second one of a plurality of channels to transfer the second data packet according to channel capacities of the plurality of channels, and transfer the second data packet of the particular packet flow over the selected second one of the plurality of channels wherein the second one of the plurality of channels is different than the first one of the plurality of channels as a result of varying channel capacities among the plurality of channels. The Examiner attempts to overcome the deficiencies of the Doshi, et al. and Forin patents by citing the Larsen, et al. patent in combination therewith. However, the Larsen, et al. patent merely discloses selecting a data channel that is free of activity to allow one station to communicate to another station. There is no disclosure in the Larsen, et al. patent that allows a second packet in a particular packet flow to be sent on a different one of the plurality of channels than a first data packet of the particular packet flow. The disclosure of the Larsen, et al. patent only knows that it can send out data on a data channel selected based on its availability. The Larsen, et al. patent explicitly discloses that a data channel is selected and communication continues on that data channel until all data has been transferred or the data timer for the data channel expires. (See col. 7, lines 1-8, of the Larsen, et al. patent). As a result, there is no disclosure in the Larsen, et al. patent that different channels can be selected on a packet by packet basis. Thus, the portion of the Larsen, et al. patent cited by the Examiner fails to disclose any capability to send a first packet of a particular packet flow on a first one of a plurality of

channels and a second packet of the particular packet flow on a different one of the plurality channels as required by the claimed invention.

With respect to Independent Claim 11, there is recited in general the ability to receive a plurality of data packets in a non-sequential order over different ones of a plurality of channels. By contrast, as noted above, the Doshi, et al. patent receives all packets over the same communication path 122. Moreover, the Doshi, et al. patent transmits packets out in a sequential order for receipt over the communication path 122. Because all packets are transmitted over the same path, the receiver of the Doshi, et al. patent receives packets in sequential order but only stores those packets that are valid in its buffer. Invalid packets would need to be retransmitted. Thus, the Doshi, et al. patent is not able to receive packets in a non-sequential order transmitted over a plurality of channels as required by the claimed invention. Moreover, as noted above, the Forin patent does not include any additional material to offset the deficiencies of the Doshi, et al. patent. As discussed above, the Larsen, et al. patent has no disclosure that data packets for a particular packet flow can be received over different virtual channels. Thus, the Larsen, et al. patent is not capable of receiving a plurality of data packets of a particular packet flow in a non-sequential order over different ones of a plurality of channels as provided in the claimed invention.

Based on the above deficiencies in the prior art cited by the Examiner, Applicant respectfully submits that Claims 1-14 are patentably distinct from the proposed Doshi, et al. - Forin - Larsen, et al. combination.

Claims 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi, et al. in view of Jones, et al. Applicant respectfully traverses this rejection.

With respect to Independent Claim 15, there is recited in general the ability to receive a plurality of data packets in a non-sequential order over different ones of a plurality of channels. By contrast, as noted above, the Doshi, et al. patent receives all packets over the same communication path 122. Moreover, the Doshi, et al. patent transmits packets out in a sequential order for receipt over the same communication path 122. Because all packets are transmitted over the same path, the receiver of the Doshi, et al. patent receives packets in sequential order but only stores those packets that are valid in its buffer. Invalid packets would need to be retransmitted. Thus, the Doshi, et al. patent is not able to receive packets in a non-sequential order transmitted over a plurality of channels as required by the claimed invention. The Jones, et al. patent has no disclosure that data packets for a particular packet flow can be received over different virtual channels. The Jones, et al. patent only receives packets associated with a particular VCN over that VCN when a credit has been issued. Packets received over that VCN are stored in a buffer specifically assigned to that VCN. (See col. 3, lines 42-66, of the Jones, et al. patent). Similarly, on the transmit side, a specific transmit buffer is associated with that VCN. (See col. 4, lines 10-15, of the Jones, et al. patent). As a result, the Jones, et al. patent is only capable of sending packets over a particular VCN from a specific transmit buffer to a specific receive buffer associated with the VCN. All of the data associated with a virtual channel credit is sent over the same designated virtual channel. Thus, the Jones, et al. patent is not

capable of receiving a plurality of data packets of a particular packet flow in a non-sequential order over different ones of a plurality of channels as provided in the claimed invention. Therefore, Applicant respectfully submits that Claims 15-18 are patentably distinct from the proposed Doshi, et al., - Jones, et al. combination.

This Response to Examiner's Final Action is necessary to address the Examiner's current characterization and interpretation of the cited art and the claimed invention. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the current characterization and interpretation of the cited art and the claimed invention.

CONCLUSION

Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment associated with this Application to Deposit Account No. 02-0378 of BAKER BOTTS L.L.P.

Respectfully submitted,
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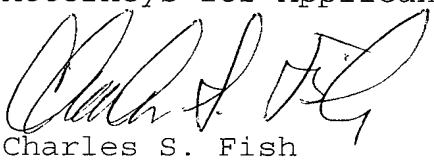
Attorneys for Applicant



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